

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>IN RE:</b>	{	<b>CHAPTER 13</b>
	{	
<b>ANTOINE FITZGERALD GROSS</b>	{	<b>CASE NO.: A15-54491-WLH</b>
<b>DEBTOR</b>	{	
	{	<b>JUDGE HAGEANU</b>

**MOTION TO DISMISS CASE FOR FAILURE TO COMPLY  
WITH 11 U.S.C. SECTION 109(h) and 11 U.S.C. SECTION 521(b)**

COMES NOW NANCY J. WHALEY, Standing Chapter 13 Trustee, in the above-referenced matter, and files this Motion to Dismiss Case for Failure to Comply with 11 U.S.C. Section 109(h) and 11 U.S.C. Section 521(b). The Trustee respectfully shows the Court the following:

1.

The Debtor filed for relief under Chapter 13 of Title 11 on March 9, 2015.

2.

Pursuant to 11 U.S.C. Section 109(h), to be eligible to be a Debtor under Chapter 13 under Title 11, the individual must obtain creditor counseling within 180 days preceding the filing of the case. Credit Counseling must be obtained from an agency approved by the United States Trustee. Pursuant to 11 U.S.C. Section 521(b), a certificate from the approved nonprofit budget and credit counseling agency must be filed with the Court.

3.

Pursuant to the Court's docket, a certificate from the approved nonprofit budget and credit counseling agency has not been filed demonstrating that the Debtor has obtained the required counseling.

Wherefore the Trustee prays for an Order dismissing this case for failure to comply with 11 U.S.C. Section 109(h) and/or 11 U.S.C. Section 521(b).

THIS THE 19<sup>th</sup> day of March, 2015

Respectfully submitted,

/s/\_\_\_\_\_  
Ryan J. Williams,  
Attorney for Chapter 13 Trustee  
GA Bar No. 940874  
303 Peachtree Center Ave., NE, Ste 120  
Atlanta, GA 30303  
(678) 992-1201

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UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	:	CHAPTER 13
	:	
ANTOINE FITZGERALD GROSS	:	CASE NUMBER A15-54491-WLH
<u>DEBTOR</u>	:	
	:	
NANCY J. WHALEY, TRUSTEE	:	
MOVANT	:	JUDGE HAGENAU
Vs.	:	
	:	
ANTOINE FITZGERALD GROSS	:	CONTESTED MATTER
<u>RESPONDENT</u>	:	

**NOTICE OF HEARING ON TRUSTEE'S MOTION TO DISMISS CASE FOR FAILURE  
TO COMPLY WITH 11 U.S.C. SECTION 109(h) AND 11 U.S.C. SECTION 521(b)**

**PLEASE TAKE NOTICE** that Nancy J. Whaley has filed a Motion to Dismiss with the Court.

**PLEASE TAKE FURTHER NOTICE** that the Court will hold a hearing on the Trustee's Motion to Dismiss in *Courtroom 1403, United States Courthouse, 75 Spring Street, S.W., Atlanta, Georgia at 10:15 a.m., Wednesday, April 22, 2015.*

Your rights may be affected by the Court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in your bankruptcy case. (If you do not have any attorney, you may wish to consult with one). If you do not want the Court to grant the relief sought in these pleadings or if you want the Court to consider your views, then you must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including address) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The

address of the Clerk's Office is **Clerk, U.S. Bankruptcy Court, Suite 1340, 75 Spring Street, Atlanta, Georgia 30303**. You must also mail a copy of your response to the undersigned at the address stated below.

THIS THE 19<sup>th</sup> day of March, 2015

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
Ryan J. Williams,  
Attorney for Chapter 13 Trustee  
GA Bar No. 940874  
303 Peachtree Center Ave. NE, Ste 120  
Atlanta, GA 30303  
(678) 992-1201

/kk

## **CERTIFICATE OF SERVICE**

Case No: A15-54491-WLH

This is to certify that I have this day served the following with a copy of the foregoing Chapter 13 Trustee's Motion to Dismiss by depositing in the United States mail a copy of same in a properly addressed envelope with adequate postage thereon.

**Debtor(s):**

ANTOINE FITZGERALD GROSS  
1333 JIMSON CIRCLE  
CONYERS, GA 30013

This the 19th day of March, 2015.

/s/ \_\_\_\_\_  
Ryan J. Williams  
Attorney for the Chapter 13 Trustee  
State Bar No. 940874  
303 Peachtree Center Avenue, NE  
Suite 120  
Atlanta, GA 30303  
678-992-1201